



Negotiation and Development Assistance in Post-Conflict Settings: Tools for Fighting Corruption

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The Problem

- Corruption can be the catalyst for internal conflicts
- Continued corruption can also be the spoiler of future peace, as well as an obstacle to sustainable economic and democratic development
- In the post-conflict setting,
 - What questions need to be asked to plan effectively
 - What lessons have been learned about anticorruption programs under these situations

Fighting Corruption: A Two-Step Process

Fighting corruption in post-conflict settings is best accomplished by:

1. Incorporating explicit anticorruption provisions in negotiated peace agreements
2. Conducting follow-up government and donor programs to implement agreement intentions

Recent Examples of Peace Agreements with Anticorruption Provisions

- El Salvador – 1992 Chapultepec Agreement
- Guatemala – 1996 Agreement
- Sierra Leone – 1999 Lomé Accords
- Burundi - 2000 Arusha Agreement
- Papua New Guinea – 2001 Bougainville Accord
- Liberia – 2003 Accra Agreement

Examples of Anticorruption Provisions

- Commission to ensure transparency and accountability in gold and diamond mining (Sierra Leone)
- Public accounts committee in legislature; create independent judiciary; regular audits of provincial accounts (Bougainville)
- Principles of ECOWAS Protocol on Good Governance; ombudsman; oversight commission for public finance and budgetary issues (Liberia)
- Civil society participation in monitoring corruption; auditing of public programs and civil service (Guatemala)
- Judicial independence; ombudsman; strengthen professionalism of police and judiciary (El Salvador)
- End to civil service patronage; judicial independence; ombudsman; new legislation to combat economic crime/corruption; reform to political party financing (Burundi)

What Inspired These Negotiated Anticorruption Provisions?

- Underlying causes of conflict need to be resolved
 - Emphasis of political over military solution
 - Need for comprehensive agreement
- Recognition that fragility of institutions requires good public administration
- Idealistic rebels make demands against corruption that can be difficult for government to reject
- Power-sharing formulae can be vehicle to introduce good governance reforms
 - Long, drawn-out negotiations can generate empathy and produce concessions from all sides
- International mediators drafting text can introduce anticorruption ideas
 - But local ownership is critical for sustainability
- Implicit threats that external assistance will be withheld in absence of good governance practices

Examples of Relatively Effective Follow-up Assistance

- Judicial reforms (Burundi)
 - Train judges, staff and police; improve working conditions; harmonizing laws; greater access to justice; assistance to lawyers and Bar
- Judicial reforms (Guatemala)
 - Transparency, ADR, improved administration of justice
- Quick appointment of independent judges and international financial controllers in state-owned enterprises (Liberia)
- Operational ombudsman and more accountable civilian police force (El Salvador)
- Effective budgeting/expenditure processes (Bougainville)
- Controls and transparency procedures in diamond industry (Sierra Leone)

Examples of Assistance that were Not Effective

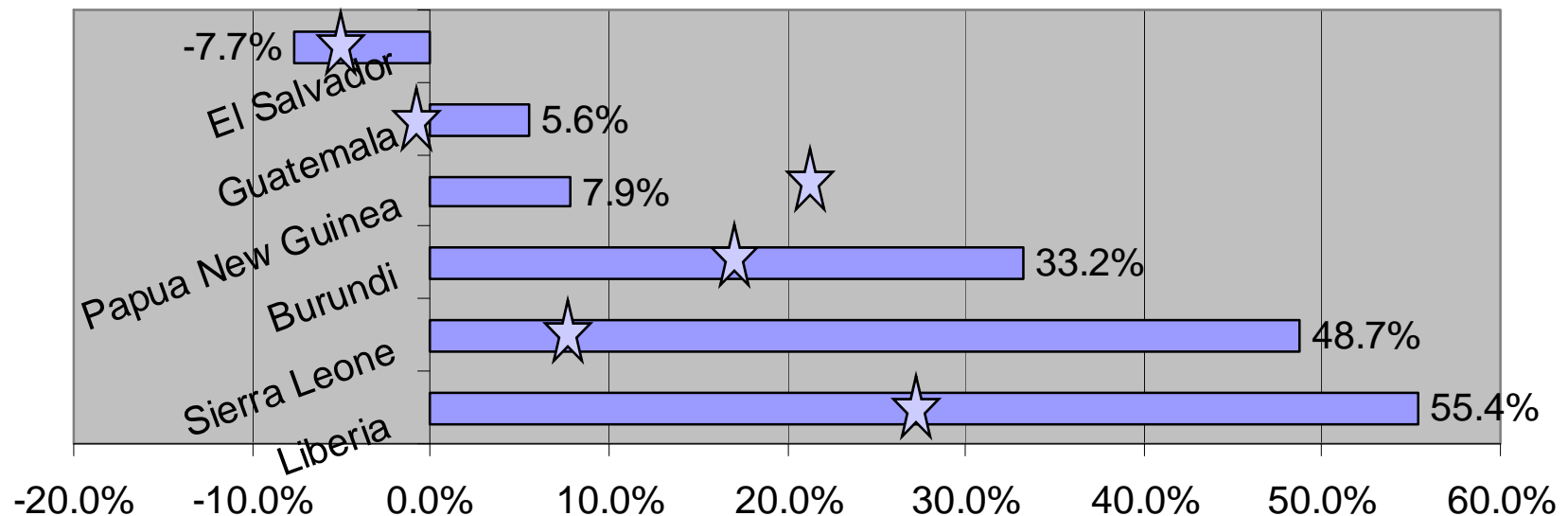
- Special commissions to further dialogue on special governance issues; ombudsman office (Guatemala)
- Judicial reform that focused on rebuilding infrastructure, but did not reform access to justice, enforcement of laws, judicial independence (Sierra Leone)

Many programs fail due to lack of local political will, factional squabbling, lack of buy-in; lack of capacity to deliver constituencies

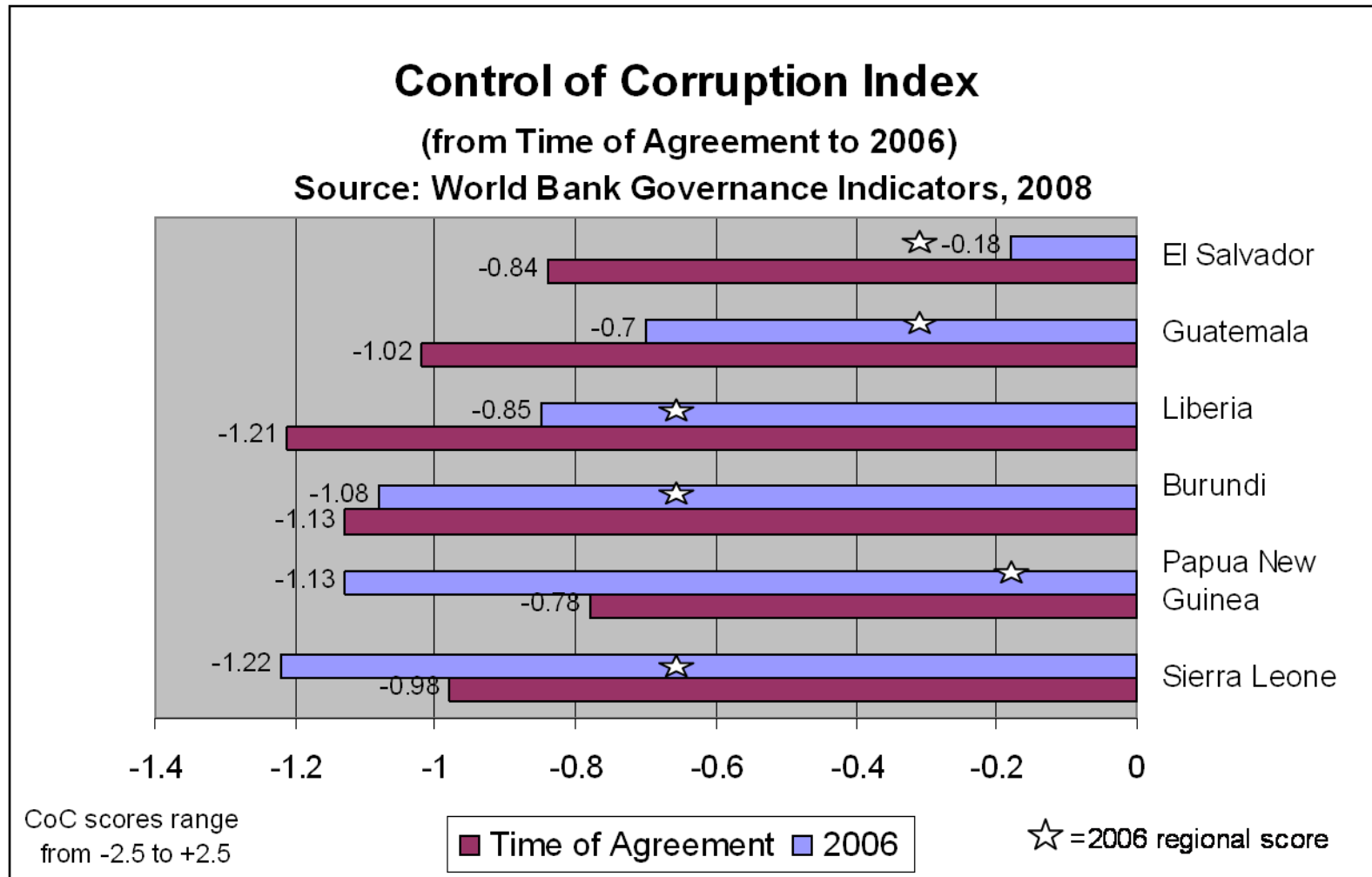
Did Anticorruption Provisions Impact Amount of Aid Received?

Average Annual Rate of Growth of ODA across 3-5 Years After Agreement

Source: OECD



Have Anticorruption Indices Improved in Countries with Negotiated Provisions?



Post-Conflict Anticorruption Planning Questions

- Are there anticorruption/good governance provisions in peace accord?
- If not, are there government institutions/procedures that ensure controls and accountability?
- Does civil society have the capacity to oversee government and maintain high level of demand?
- Can constituencies for reform be bolstered ... and spoilers transformed?
- Can rebuilding of economy ensure wide participation and accountable processes?
- Can rebuilding of services incorporate controls and transparency?
- Are there controls preventing new elite from using power to self-enrich?
- Can violence, crime and corruption be delinked in post-conflict setting?
- What are the priorities? Intense corruption, but potential for real impact

Preliminary Lessons Learned

- In most cases, compliance with accords is mixed 5 years or more out
- Early negotiated anticorruption provisions are enormously important for implementation
 - Implement quickly to benefit from existing political will
 - General principles are not enough -- clarity and specificity in negotiated provisions can help avoid lengthy post-agreement negotiation
- Euphoria of negotiated agreement is quickly forgotten, as are commitments to implement (on part of donors and governments)
 - Negotiating elite need to build wide consensus for reform in all political factions, civil society and mid-level government managers too
 - All need to be willing constituents, not spoilers
- Factions that signed peace agreement need to have capacity to follow-through on commitments; all constituencies need to buy-in

Preliminary Lessons Learned

- Importance of activated civil society constituencies for reforms, including oversight of implementation & continued demand
 - BUT... too many stakeholders and obsessive participation can cause delay and breakdown in implementation
- Early institutional and civil service strengthening is key to ensuring service delivery, and implementing controls and transparency... after ceasefire and demobilization
- Donors are not always coordinated well to support implementation of negotiated provisions
 - Delay, underfunding and lack of coordination can be devastating
 - Short-term demobilization commitments need to be paired with long-term anticorruption commitments (at least, more than 10 years)
 - Lack of comprehensive approach can improve some sectors, but not reduce corruption
 - International attention and careful conditionality can keep the process moving forward